

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BRIAN C. FRANKENFIELD §
VS. § CIVIL ACTION NO. 9:25cv19
PATRICIA GRADY, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff Brian C. Frankenfield, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Patricia Grady, John Imber, Judge Robinson and Judge Ellior. Plaintiff complains that he was unlawfully detained in the Galveston County Jail and that excessive force was used against him there.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, pursuant to which this case is brought, does not contain a specific provision governing venue. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. When, as in this case, subject-matter jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue over the lawsuit is proper only in the judicial district where the defendant resides or in which the claims arose. Title 28 U.S.C. § 1406(a) provides that a case filed in the wrong division may be transferred to any district where it could have been brought.

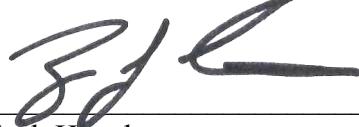
Plaintiff's claims concern events which occurred in Galveston County, Texas. Pursuant to 28 U.S.C. § 124, Galveston County is located in the Galveston Division of the Southern District of Texas. Plaintiff's claims therefore arose in Galveston County. In addition, the defendants appear to reside in Galveston County. This lawsuit has no apparent connection to the Eastern District of Texas.

As plaintiff's claims did not arise in the Eastern District of Texas and the defendants do not reside in the Eastern District, venue is not proper in this court. This case will therefore be transferred to the Galveston Division of the Southern District of Texas.

ORDER

For the reasons set forth above, it is **ORDERED** that this civil rights action is **TRANSFERRED** to the Galveston Division of the United States District Court for the Southern District of Texas.

SIGNED this 31st day of January, 2025.



Zack Hawthorn
United States Magistrate Judge